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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,510	11/14/2003	Thomas M. Sauter	KCOS121897	9834
26389	7590	09/07/2006	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC			VANAMAN, FRANK BENNETT	
1420 FIFTH AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
SEATTLE, WA 98101-2347			3618	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,510

Applicant(s)

SAUTER, THOMAS M.

Examiner

Frank Vanaman

Art Unit

3618

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) 4-14, 21 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 15-17, 19, 23 is/are rejected.
- 7) ☒ Claim(s) 3 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Status of Application

1. Applicant's amendment, filed June 16, 2006, has been entered in the application. Claims 1-17 and 19-26 are pending, with claims 4-14, 21 and 22 being withdrawn from consideration.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Bumgarner (US 5,758,895, cited previously). Bumgarner teaches a binding having a base plate (2) configured to hold a boot, a toe strap (6, in general) configured to pass over a toe portion of a boot having an end (proximate 18) which is movable; an ankle strap (4 in general) having an end (proximate 20) which is movable; manually operated fasteners (4, 20, 22, 24), which form ends of one of the straps, and manipulation of which may cause motion of the end of the strap not having the fastener, and a movable linkage (8) connecting the movable ends of the toe and ankle straps such that when the fastener is manipulated (note sequence figures 4, 5, and 6), through the linkage, for example, both straps are tensioned.

4. Claims 1, 15 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Laughlin (US 5,692,765). Laughlin teaches a binding system with a cable assembly (54, 56, 58, 60) which are different cables connected to each other (at 82) and movable with respect to the base plate; the base plate configured to hold a snowboard boot (80); a first (toe) strap (16) connected at one end to a cable (56) and a second (ankle) strap (18) connected at one end to a cable (58), operable fasteners (24, 26) forming the ends of the straps, and which serve to hold the straps, causing tension in the straps when the cable portions are tightened by preventing motion of the respective end(s) of the straps to which the fasteners are connected; and wherein travel of the cable portion connected to the second, ankle strap (e.g., under withdrawal of the ankle strap) causes movements in the cable associated with the first, toe strap, wherein the cable include a mechanism which resists motion thereof at an end condition thereof (e.g., 72, 74, or 46, figure 7).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Collombin et al. (US 4,060,256). The reference to Laughlin is discussed above and fails to teach the travel of the cable being limited by the use of a stop block on the cable. Collombin et al. teach that it is very old and well known to provide a cable (e.g., 38) with a stop block (40) engaging a relatively fixed element (e.g., 2, note figure 12) to limit travel of the cable. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least the toe cable of the binding taught by Laughlin with a travel-limiting stop element as taught by Collombin et al. for the purpose of preventing excess motion of the cable, and thus preventing the strap portion, for example, from becoming substantially disengaged from the base plate.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin in view of Biermann et al. (US 4,142,735). The reference to Laughlin is discussed above and fails to teach the provision of a spring element interposed between a stop block on a cable and a stop feature on the base plate. Biermann et al. teach an old and well known biasing device for a cable (17) which is provided with a stop block (18) fastened thereto, wherein a spring (20) is positioned between the stop block and a stop feature (e.g. the wall portion proximate 43) on a plate. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a spring biasing device as taught by Biermann et al. proximate an end of the cable of the binding arrangement taught by Laughlin (e.g., proximate either the ends of cables 54, 56, 58, 60 at fastener 28, or the ends at straps 16 and 18) between the ends and a base plate portion for the purpose of providing a pretension to the cables, thus setting a cable position associated with the non-latched condition of the fastener 28.

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laughlin (cited above). The reference to Laughlin is discussed above and fails to teach the fastener as being manually operable. It is well known in the mechanical arts to provide a hand manipulable element on a fastener for the purpose of allowing tool-free removal or

attachment, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fastener taught by Laughlin with a hand-operable element for attachment and release for the purpose of allowing a user to connect and disconnect the fastener without needing specialized tooling.

Allowable Subject Matter

9. Claims 24-26 are allowed.
10. Claims 3 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Comments

11. Applicant's comments, filed with the amendment, have been carefully considered. Initially the examiner notes that a substantial number of applicant's *amended* claims are anticipated by the prior art. Many of the difficulties encountered in the prosecution of patent applications may be alleviated if each applicant includes, at the soonest possible time, claims varying from the broadest to which he or she believes he or she is entitled to the most detailed that he or she is willing to accept. Applicant has argued that Bumgarner fails to teach a manually operable fastener. The examiner disagrees, inasmuch as the fasteners 20, 22, 24 provided at the strap ends (4) are manually operable to the breadth claimed. As regards the reference to Laughlin, the examiner notes that the fasteners 24 and 26 constitute operable fasteners to the breadth claimed. As regards the limitation of the fasteners being manually operable, the examiner notes that while Laughlin fails to anticipate this limitation, the provision of a manually operable portion on a fastener is not deemed to be beyond the skill of the ordinary practitioner.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3618

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618



8/30/06